



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,197	03/10/2004	Rudolf Pohlan	Q79931	2442
23373 7590 06/14/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER ORR, HENRY W	
			ART UNIT 2176	PAPER NUMBER
			MAIL DATE 06/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/796,197

Applicant(s)

POHLAN, RUDOLF

Examiner

Henry Orr

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to applicant's amendment dated 4/11/2007.
2. Claims 1-17 are pending in the case.
3. Claims 12-17 are newly added.
4. Claims 1 and 8 are independent claims.

Applicant's Response

5. In Applicant's response dated on 4/11/2007, applicant has amended the following:

- a) Specification
- b) Claims 1, 3-6, 8 and 10

Based on Applicant's amendments and remarks, the following objections and rejections previously set forth in Office Action dated 4/11/2007 are withdrawn:

- a) Objection to Drawings
- b) Objection to claim 10
- c) 112 2nd 35 U.S.C rejection to claims 1-5 and 7-11

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 6:

Claim 6 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling *for showing identical files and folders as unmodified in the single result directory without any predefined graphic markings*, does not reasonably provide enablement *for showing identical files and folders as unmodified in the single result directory without any markings*. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims. Examiner interprets the drawings of the instant application to display a single result tree with at least one marking such as a text marking corresponding to the name of a folder or a file because in order for one of ordinary skill in the art at the time the invention was made to identify a file within the single result tree, a name (i.e., text *marking*) must be associated with the file.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6:

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the examiner as to what the scope of the limitation **“without any markings”** is intended to cover because a directory tree without

any markings is interpreted as a directory tree that is not identified by an operating system. Therefore, the folders and files of the directory tree would be shown as unknown.

For examining purposes, Examiner interprets "***without any markings***" to be "***without any predefined graphic markings***" as cited and argued for claim 6 by applicant (see p. 13, last paragraph in Response Action dated 4/11/2007).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 1-5, 7-10, 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Huberman et al. (hereinafter "Huberman"), U.S. Patent No. 6,278,452.**

Claim 1:

Huberman teaches "*The invention can be used generally to compare any of two or more sets of objects, including, but not limited to, the contents of two or more computer directories, the contents of two or more folders in a computer directory, two or more files in two or more databases*" (see col. 2 lines 49-56). (**claim 1; i.e., A method**

for displaying a comparison result of at least two data structures organized in respective directory trees on a graphic display unit, wherein each of a first directory tree that is compared with a second directory tree is formed in a hierarchical arrangement of files, folders or a combination of files and folders the method comprising: comparing the files or folders of the first directory tree with the second directory tree for which a comparison is desired to evaluate structural or content differences between the compared files or folders;)

Huberman teaches a single result directory tree in which the content differences between the compared objects are displayed on upper levels of the result directory tree by predefined graphic markings (see col. 3 lines 6-14, Figure 14). **(claim 1; i.e., forming a single result directory tree in which the structural or content differences between the compared files or folders are displayed on upper levels of the result directory tree by predefined graphic markings)**

Huberman teaches predefined graphic markings indicating the origin of the compared objects on a displayed single result directory tree (see col. 11 lines 39-46, Figure 12). **(claim 1; i.e., wherein the predefined graphic markings indicate origin of the compared files or folders; and displaying the single result directory tree on the graphic display unit.)**

Claim 2:

Huberman teaches *"The "rightOnly" state symbol 384 also shows that there is no corresponding object in the left source, as indicated by the empty left-side box"* (see

col.9 lines 25-28). **(claim 2; i.e., graphically displaying, in the single result directory tree, additional files or folders that are present in one of the compared directory trees as corresponding additional folders.)**

Claim 3:

Huberman teaches *"The "rightOnly" state symbol 384 also shows that there is no corresponding object in the left source, as indicated by the empty left-side box"* (see col.9 lines 25-28). **(claim 3; i.e., wherein, the corresponding additional folders are provided with corresponding predefined graphic markings to indicate the directory tree that contains the additional folder.)** Examiner interprets the **"rightOnly"** state symbol to be a predefined marking that represent an additional object in the right directory source that is not present in the left directory source.

Claim 4:

Huberman teaches *"The result view 701 also indicates that objects of the Emp object pair are not equal as the respective object node 710 has a corresponding "not equivalent" state symbol 389"* (see col. 19 lines 45-48). **(claim 4; i.e., wherein the files or folders that have the same identity but differ with respect to the respective object attributes are graphically identified in the single result directory tree.)** Examiner interprets the **"not equivalent"** state symbol to graphically identify objects with the same identity such as the Emp object pair but differ with respect to their attributes as illustrated in Figure 19.

Claim 5:

Huberman teaches *"at least one object pair of table type objects are not equal, the table object type node 704 also has a corresponding "different" status symbol 524 associated with it"* (see col. 19 lines 50-54). **(claim 5; i.e., wherein higher-level folders, which contain the files or folders with a different identity or with different object attributes, are graphically marked in the single result directory tree.)**

Examiner interprets the table object node to be a higher-level folder graphically marked with a **"different"** status symbol because it contains objects with different object attributes as illustrated in Figure 19.

Claim 7:

Huberman teaches *"Detailed results of the Emp table object pair were requested to be displayed by the user"* (see col. 19 lines 55-63). **(claim 7; i.e., wherein object attributes of the files or folders are displayed as a list in the single result directory tree in which the differences resulting from the comparison are graphically marked.)** Examiner interprets Figure 19 to illustrate the list as recited in claim 7.

Claim 8:

Claim 8 is a system claim and is substantially encompassed in method claim 1; therefore the system claim is rejected under the same rationale as method claim 1 above.

Claim 9:

Huberman's Figures 11A-F illustrates predefined graphic markings that comprise of graphic symbols (see Figures 11A-F). **(claim 9; i.e., wherein the predefined graphic markings comprise at least one of various color markings and graphic symbols.)**

Claim 10:

Huberman teaches *"checks whether all the container nodes and the root node for the current object pair have had their status symbols updated"* (see col. 13; lines 44-50). **(claim 10; i.e., wherein the graphic markings comprise at least one pictogram that indicates the differences between the directory trees and replaces an original respective at least one pictogram of the file or the folders of the compared directory trees.)** Examiner interprets the updated status symbol to be a pictogram that replaces the original status pictogram of the folder as illustrated in the process of Figure 13B.

Art Unit: 2176

Claim 12:

Huberman's Figure 19 illustrates content differences between the compared objects as being graphically highlighted in the single result directory tree through all levels to the top of the hierarchical arrangement up to the root node.

(claim 12; i.e., wherein the structural or content differences between the compared files or folders are graphically highlighted in the single result directory tree through all levels up to the top of the hierarchical arrangement so that the comparison differences are propagated up to the root node.) Examiner interprets the "equal" or "not equal" graphical markings next to the folder objects in Figure 19 as graphical highlights reflecting the differences of the data objects within the folders.

Claim 13:

Huberman's Figure 19 illustrates content differences between objects only in a lower level of the display result tree (see Figure 19; ref. 708). **(claim 13; i.e., wherein, when the structural and content differences between the compared files or folders are only in a lower level of the display result tree,)** In respect to Figure 19, Examiner interprets the content differences between objects are only in folder labeled "Scott" which is located in the lower level of the hierarchical tree as indicated by the "not equal" symbol next to the folder.

Huberman's Figure 19 illustrates displaying the differences in a corresponding upper level of the upper level of the result directory tree via a "not equal" predefined graphic marking. **(claim 13; i.e., displaying the differences in a corresponding**

upper level of the result directory tree via the predefined graphic markings.) In respect to Figure 19, Examiner interprets the “not equal” symbol next to the Comparison complete folder as being a predefined graphic marking in a corresponding upper level of the result directory tree (see Figure 19; ref. 702).

Claim 14:

Huberman teaches *"The "rightOnly" state symbol 384 also shows that there is no corresponding object in the left source, as indicated by the empty left-side box"* (see col.9 lines 25-28). **(claim 14; i.e., wherein the additional files or folders that are present in one of the compared directory trees, are provided with a marking when they appear in the single result directory tree, wherein the marking indicates to which of the directory trees the additional file or folder must be assigned.)**

Examiner interprets the “rightOnly” state symbol as a marking indicating that the right source has an additional object because the left source does not have object.

Therefore, the only object indicated by the “rightOnly” state symbol must be assigned to the right source.

Claim 15:

Huberman's Figure 11C and 11D illustrate a first and second type of graphic marking, respectively. **(claim 15; i.e., the predefined graphic markings comprise a first type of graphic markings and a second type of graphic markings)**

Huberman's Figure 11D illustrates a "leftOnly" state symbol which indicates an additional object in the first directory tree not present in the second directory tree.

(claim 15; i.e., additional folders of the first directory tree not present in the second directory tree are depicted with the first type of graphic markings in the result directory tree)

Huberman's Figure 11C illustrates a "rightOnly" state symbol which indicates an additional object in the second directory tree not present in the first directory tree.

(claim 15; i.e., wherein additional folders of the second directory tree not present in the first direction tree are depicted with the second type of graphic markings in the result directory tree.)

Claim 16:

Huberman's Figure 12 illustrates a "not-equal" predefined third type of graphic marking next to the upper "Phase 1" folder which depicts additional folders in the first directory tree indicated by the "leftOnly" state symbol located in the lower level of the directory tree. **(claim 16; i.e., wherein the predefined graphic markings further comprise a third type of graphic markings and wherein an upper folder that comprises the additional folders of the first directory tree and the additional folders of the second directory tree is depicted with the third type of graphic markings in the result directory tree.)**

10. Claims 6, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huberman as cited above, in view of Fontes, U.S. Patent No. 6,912,707 B1.

Claim 6:

Huberman fails to expressly teach identical compared files and folders being represented without any of the predefined graphic markings.

However, Fontes Figure 16A illustrates a single window listing the summary of result for comparing two directories. The files that are the same in each directory have a corresponding text result listed as "same" but do not have any predefined graphic markings (see Fontes; col. 7 lines 56-65, Figure 16A). **(claim 6; i.e., wherein ones of the files and folders, that are identically present with respect to their identity and object attributes in the compared directory trees, are shown in the single result directory tree without any markings.)**

Examiner interprets "*without any markings*" to be "*without any predefined graphic markings*" as cited and argued for claim 6 by applicant (see p. 13, last paragraph in Response Action dated 4/11/2007). Examiner does not interpret the text result marking "**same**" to be a predefined graphic marking.

In the same field of endeavor, objects are being compared and the differences between the objects are combined into a single result (Fontes; abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huberman single result tree to display objects having the same identity with text and without predefined graphic markings as taught by Fontes to provide the

Art Unit: 2176

benefit of another manner to indicate to the user that something has changed between the two objects (see Fontes; col. 5 lines 54-59).

Claim 11:

Huberman fails to expressly teach a print unit.

However, Fontes teaches "attached to the personal computer 100 may be other devices such as printers" (see col. 2 lines 46-52). **(claim 11; i.e., comprising a print unit operable to print various information, wherein the differences in the compared directory trees are printed out in list form on said print unit or stored as a file in said memory unit.)**

In the same field of endeavor, objects are being compared and the differences between the objects are combined into a single result (see Fontes; abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include on Huberman Figure 2B bus interface a printer as taught by Fontes to provide the function of printing documents from application programs as desired by user (see Fontes; Figure 1).

Claim 17:

Huberman does not expressly teach identical compared files and folders being represented without any of the predefined graphic markings.

However, Fontes Figure 16A illustrates a single window listing the summary of result for comparing two directories. The files that are the same in each directory have a

corresponding text result listed as "same" but do not have any predefined graphic markings (see Fontes; col. 7 lines 56-65, Figure 16A). **(claim 17; i.e., wherein the files and folders, that are identically present in both the first and second directory trees, are shown in the single result directory tree in the same manner as in the first and second directory trees without any of the predefined graphic markings.)** Examiner does not consider the text result marking "same" to be a predefined graphic marking.

In the same field of endeavor, objects are being compared and the differences between the objects are combined into a single result (see Fontes; abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huberman single result tree to display objects having the same identity with text and without predefined graphic markings as taught by Fontes to provide the benefit of another manner to indicate to the user that something has changed between the two objects (see Fontes; col. 5 lines 54-59).

Response to Arguments

11. Applicant's arguments filed on 4/11/2007 have been fully considered but they are not persuasive.

Rejections under 35 U.S.C. 102(e):

Applicant amends independent claim 1 to recite *"forming a single result directory tree in which the structural or content differences between the compared files or folders*

are displayed on upper levels of the result directory tree by predefined graphic markings, wherein the predefined graphic markings indicate origin of the compared files or folders; and displaying the single result directory tree on the graphic display unit".

Similarly, applicant argues that Huberman does not disclose or suggest the origin of the structural or content differences between the compared files or folders being displayed on the upper levels of the result directory tree (see Applicant Response; p. 11 lines 1-3.).

Applicant also argues that Huberman teaches a "different" status symbol that only indicates on an upper level of the tree that objects are not equal (see Applicant Response; p. 11 lines 3-4).

Examiner disagrees.

Firstly, Examiner contends that applicant argument is not consistent with the amendments made to claim 1. Claim 1 recites *"forming a single result directory tree in which the structural or content differences between the compared files or folders are displayed on upper levels of the result directory tree by predefined graphic markings wherein the predefined graphic markings indicate origin of the compared files or folders; and displaying the single result directory tree on the graphic display unit"*.

Therefore, examiner interprets that the predefined graphic display which indicate the origin are displayed on the upper levels, not the *"origin"* itself being displayed on the upper levels as argued by applicant.

Secondly, Examiner interprets the location of the "different" status symbol next to the corresponding upper level (i.e., folder) of the result directory tree indicates the origin

of the objects. Therefore, a "different" status symbol next to the "phase 1" folder as illustrated in Huberman's Figure 14 indicate that not equal objects originate from the "phase 1" folder. As for another example, the "different" status symbol next to the "index" folder as illustrated in Huberman's Figure 14 indicate that not equal objects originate from the "index" folder.

Rejections under 35 U.S.C. 103(a):

In respect to claim 6, Applicant argues Fontes does not disclose or suggest identical compared files and folders represented without any of the predefined graphic markings (see Applicant Response p. 14 3rd par.).

Examiner disagrees.

Firstly, Examiner contends that applicant argument is not consistent with the amendments made to claim 6. Claim 6 recites *"wherein ones of the files and folders, that are identically present with respect to their identity and object attributes in the compared directory trees, are shown in the single result directory tree without any markings"*. Therefore, examiner interprets claim 6 to require a single result directory tree *without any markings*, not a single result directory tree without *any predefined graphic markings* as argued by applicant.

Secondly, Fontes Figure 16A illustrates a single window listing the summary of result for comparing two directories. The files that are the same in each directory have a corresponding text result listed as "same" but do not have any predefined graphic markings (see Fontes; col. 7 lines 56-65, Figure 16A).

Examiner agrees with Applicant that the text result marking servers at least as a marking. However, Examiner does not interpret the text result marking (i.e., "same") to be a predefined graphic marking because the text result marking is not pictorial related.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Orr whose telephone number is (571) 270 1308. The examiner can normally be reached on Monday thru Friday 8 to 4.


Art Unit: 2176

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/7/2007

HO



Doug Hutton
Primary Examiner
Technology Center 2100